FORM OF ORDER SHEET

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Appeal No. 1480/2024		
	Appeal No	1480/2024

, , .	;	pear 1401400/2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
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1	19/09/2024	The appeal of Mr. Fahad Ali Shah resubmitted
	ļ	today by Mr. Aftab Hussain Advocate. It is fixed for
		preliminary hearing before touring Single Bench at Bannu on
·	,	23.10.2024. Parcha Peshi given to counsel for the appellant.
·		25.10.2024. I diona i osni given to evanne. To: the appointment
		By order of the Chairman
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The appeal of Mr. Fahad Ali Shah received today i.e on 11.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.

2-Appeal has not been flagged/marked with annexures marks.

 $3 \frac{V}{\Lambda}$ Affidavit is not attested by the Oath Commissioner.

 $4-1/\Lambda$ nnexures $\Lambda \& D$ of the appeal are illegible.

5-In the memo of appeal words petitioner is used but there exist no provision in KP Service Tribunal rules/Act 1974 for using the word petitioner.

6- Copy of promotion order mentioned in para-2 of the memo of

appeal (annexure-C) is not attached with the appeal.

7- Approved file cover is not used.

8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 745 /Inst./2024/KPST,

KHYBER PAKHTUNKHWA PESHAWAR.

Masood ur Rehman Adv. High Court Bannu.

Respected Six,

The above mendioned objections has been removed completed and resubmeted.

Affab Hussown Advocate

BEFORE THE HON'BLE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO 1480 12024

Fahad Ali Shah Appellant

Vs

Government of KPK through Secretary Irrigation and others Respondents

INDEX

S.#	Description of Documents	Annex	Page
1.	Memo of service appeal affidavit address of parties		1-5
2.	Copy of appointment order + Better Copy	A''	6-6A
3.	Copy of service book	B"	7-13
4.	Copy of promotion order	"C"	14-14
5.	Copy of exoneration and pay release order + Better Capy	D"	15-15 A
6.	Copy of service appeal	E	16
. 7.	Copy of registry receipt	F	17
8.	Wakalatnama	, i	. 78

Dated:11/01/2023

APPELLANT.

Fahad Ali Shah

THROUGH CONSEL

MASOOD UR REHAMN ADVOCATE
HIGH COURT BANNU

s 03339740596

AFTAB HUSŠAIN AFRIDI ADVOCATE
HIGH COURT PESHAWA

63339222269



BEFORE THE HON'BLE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO 1480 12024 12024 12024

Fahad Ali Shah S/O Murad Ali Shah Posted as work Munshi irrigation department Marwat Canal Bannu ~~~~~~Appellant.

VS

- 1. Government of KPK Through Secretary Irrigation Peshawar:
- 2. XEN Irrigation Marwat Canal Bannu Division Bannu.
- 3. Superintending Engineer Irrigation Marwat Canal Bannu Division.
- 4. District Account officer Bannu(Respondents)



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SREVICE TRIBUNAL ACT 1974 AGAINST STOPPAGE OF PAY AND ARREAR OF PAY OF APPELLANT FROM JULY 2020 TILL DECISION OF INSTANT SERVICE APPEAL.

PRYAER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL AND DECLARE THE STOPPAGE OF APPELLANT AGAINST LAW RULES AND REGULATIONS AGAINST FUNDAMENTAL RIGHTS GRANTED BY THE CONSTITUTIONAL 1973 AGAINST KPK CIVIL SERVENT ACT 1973 ALONG WITH BACK BENEFIT AND DIRECTION FOR RELEASE OF PAY AND ARREARS FROM JULY 2020 TILL DECISION OF INSTANT SERVICE APPEAL WITH ALL BACK BENEFITS.

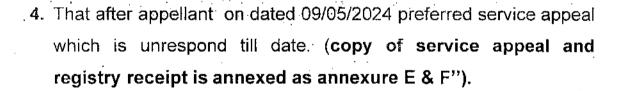
Respectfully Sheweth :-

1. That Appellant is belong to District Bannu high qualified and appointed on dated 01/08/2018 on the post of bailder by the Respondents department and having clear service record. (copy



of appointment copy and service book is annexed as annexure A & B").

- 2. That various post is available in the Respondents department and the post of work Munhsi who fall on the promotion quota for recruitment due to which Appellant was promoted to the post of work Munshi. (Copy of Promotion order is annexed as annexure C").
- 3. That from 1st July 2022 the Appellant was stopped due to promotion of appellant to the post of Munhsi an inquiry was conducted and it was declare that promotion order is correct and directed Respondents to the District Account officer to release the pay of appellant but till date Respondents not release in the pay along with arrear of the Appellant despite the fact that Appellant is performing his duty. (Copy of the exoneration and release order are annexed as annexure D ").



5. That having no other officious remedy for relief the appellant invokes the jurisdiction of this Hon'ble Service Tribunal for redressed of his grievance which is relates to his terms and condition of his service inter alia on the following grounds.

GROUNDS:-

- A. That there is no concept of stoppage of pay in the whole scheme of Civil Services.
- B. That Appellant is performing his duty so not giving monthly pay is coming in the ambit of force labour forbidden by the constitution as well as Islamic Welfare state.



- C. That appellant is not treated according to article 4, 5 and 25 as well as KPK Civil Servant Act.
- D. That other grounds will be taken during the course of arguments.

Dated :09/09/2024

APPELLANT

FAHAD ALI SHAH

THROUGH CONSEL

MASOOD UR REHAMN DVOCATE

HIGH COURT BANNU

&

AFTAB HUSSAIN AFRIDI ADVOCATE
HIGH COURT PESHAWA

BEFORE THE HON'BLE TRIBUNAL KHYBER PAKHTUNKHWA **PESHAWAR**

SERVICE APPEAL NO

Fahad Ali Shah Appellant

Government of KPK through Secretary Irrigation and others

... Respondents

AFFIDAVIT:-

1 Mr. Fahad Ali Shah S/O Murad Ali Shah Posted as work Munshi irrigation department Marwat Canal Bannu , do here by solemnly affirm and declare on oath that contents of above service is true and correct and nothing has been concealed from this Hon'ble Tribunal.

Identified by:

MASOOD UR REHMAN WAZIR

ADVOCATE HIGH COURT

NOTARY

BEFORE THE HON'BLE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

<u>SEF</u>	<u>₹V</u>	ICE /	<u> 1994</u>	EALI	NO :	/2024	4
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Fahad Ali Shah Appellant

Vs

Government of KPK through Secretary Irrigation and others. Respondents

MEMO OF ADDRSESS OF PARTIES:

Fahad Ali Shah S/O Murad Ali Shah Posted as work Munshi irrigation department Marwat Canal Bannu ~~~~~~Appellant.

VS

- 1. Government of KPK Through Secretary Irrigation Peshawar
- 2 XEN Irrigation Marwat Canal Bannu Division Bannu.
- 3. Superintending Engineer Irrigation Marwat Canal Bannu Division.

4. District Account officer Bannu(Respondents)

Dated: 09/09/2024

APPELLANT

Fahad Ali Shah

THROUGH CONSEL

MASOOD UR REHAMN ADVOCATE

HIGH COURT BANNU

&

AFTAB HUSSAIN AFRIDI ADVOCATE

HIGH COURT PESHAWAR

MAINMAT CANAL IRRIGATION DIVISION BANNO

Mr. Fahad Ali Shah S/O Murad Ali Shah R/O Ismail Khel Tehsil & District Banan.

OFFICE ORDER/APPOINTMENT AS BELDAR BPS 3

Consequent upon the recommendation of the Departmental Selection, Committee and acceptance of offer for appointment under the existing fant; re-mitment policy the competent authority is pleased to appoint you as Belgar as regular basis in BPS-03 with the following terms and conditions.

Your appointment in this department will be purely on regulars. basis and your services can be terminated at fifteen days' notice with out of any reason being assigned at any time respective of the fact to your heiding a postother than due to which you were originally recruited or lieu the payment of

If the order of the appointment is acceptable to you of the above torms one amditions, then you should report yourself for duty, within 15-days s grow the thic of issuance of order by the undersigned with the production of the

Damielle Certificate

Medical/Pitness Certificate from the authorized Civil Surgeon of Police Corvices Hospital/District Head Quarter & Feaching Hospital Bannus

> Executive Engineer . Marwat Canal-Division Banna

Copy forwarded to: -

the rici Accounts Officer, Bannu for information and Maction. Clerk (Local) for information service Bank. Divisional Office Tajori Sub Dien: for information.

Executive Engineer Marwat Canal Division Banna (6A)

BETTER COPY ANNEXURE "A"

OFFICE OF THE EXECUTIVE ENGINEER,

MARWAT CANAL IRRIGATION DIVISION BANNU

Phone & Fax No: 0928-9270063

Time: 11:23

*Dated

Bannu

the 01/8/2028

Mr. Fahad Ali Shah

S/O Murad Ali Shah R/O Ismail Khel

Tehsil & District Bannu.

Subject:

OFFICE ORDER/ APPOINTMENT AS BELDAR BPS-3

Consequently upon the recommendation of the Departmental Selection Committee and acceptance of offer for appointment under the existing Govt retirement policy the competent authority is please to appoint you as Beldar on regular basis in BPS-03 with the following terms and conditions.

Your appointment in this department will be purely on regular basis and your services can be terminated at fifteen days notice with out of any reason being assigned at any time respective of the fact to your holding a post other than due to which you were originally recruited or lieu the payment of fifteen days in lieu of the notice.

If the order of the appointment is acceptable to you of the above terms and conditions, then you should report yourself for duty within 15 days from the date of issuance of order by the undersigned with the production of the following documents.

- D. Domicile Certificate
- M. Medical / Fitness Certificate from the authorized Civil Surgeon of Police.
- C. Computerized National Identity Card.

Executive Engineer
Marwat Canal Division Bannu

Copy forwarded to:-

- 1. The District Accounts Officer, Bannu for information and N/action.
- 2. The Head Clerk (Local) for information/ service Book.
- 3. The Sub Divisional Office Tajori Sub Division for information.

Executive Enigneer

Marwat Canal Division Bannu

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開治の 一次職事と書いる 別議が、おりますな監察は大者

Anney C

MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION/ PROMOTION COMMITTEE OF MARWAT CANAL DIVISION BANNE HELD ON 16/03/2020

Mr.Fahad Ali Shah Beldar applied for promotion from Beldar to work munshi on the basis of his high qualification. The committee considered his application thoroughly and in detailed in light of instruction as contained in under RULE 3(4) CIVIL SERVANT (APPOINTMENT, PROMOTION AND TRANSFER RULES 1973 (EASTCODE). The committee is empowered to consider the application of Mr. Fahad Ali Shah Beldar for promotion to work munshi BPS-07. The committee after long drawn out consideration decided and agreed that Mr.Fahad Ali Shah Beldar BPS-03 may be promoted to work munshi as Fahad Ali Shah is B.Tech Civil Engineer who is qualified for the post of work munshi BPS-07 in all respects.

The committee exercise the powers of relaxation of qualifications, experience, terms & conditions "under ibid rule and relax qualifications, terms and conditions of service and experience" for promotion of Mr. Fahad Ali Shah Beldar BPS-03 to work munshi BPS-07. Hence the committee consider Mr. Fahad Ali Shah "qualified for promotion" from Beldar BPS-03 to work munshi BPS-07 as Fahad Ali Shah fulfills all terms and conditions of service and basic / required qualification.

The committee is agreed to promote Mr.Fahad Ali Shah Beldar (BPS-03) to work Munshi (BPS-07) forthwith. The committee approve Mr. Fahad Ali Shah Beldar BPS-03 promotion to work munshi BPS-07 unanimous.

(Chairman)

(Member)

(Member)

Executive Engineer Z Marwat Canal Division

Bannu

Sub Divisional Officer Jani Khel Sub Division

Bannu

Section Officer (E)
Office of the Secretary
Irrigation Peshawar

ATTESTED ADVOCATE

(14 A)

OFFICE OF THE EXECUTIVE ENGINEER MARWAT CANAL DIVISION BANNU

OFFICE ORDER

The competent authority is pleased to promote/appoint Mr.Fahad Ali Shah Beldar to the post of Work Munshi BPS-07 against vacant post in the interest of Government duty with immediate effect.

Executive Engineer
Marwat Canal Division Bannu

No. 573 111-8-E

Dated

Bannu

the

2013

/2020

Copy forwarded to the:-

1) District Accounts Officer Bannu for information and necessary action.

2) SDO Head Works Sub Division Bannu for information.

3) DAO (local) / HC (local) for information and necessary action.

Executive Engineer
Marwat Canal Division Bannu

i Crontien Faginsovi Dawest Canal Division Bannu ATTESTED ADVOCATE



OFFICE OF THE EXECUTIVE ENGINEER MARWAT CANAL DIVISION BANNU

Phone

Dated

Bannu

The District Accounts Officer Bannu.

Subject:

01/07/2020 TO DATE.

This office has stopped pay of caption officials due to a Fake Complaint against to Mr. Fahad Ali Shah Work Munshi and Mr. Mishkat Ali Shah Beldar that there is irregularity in their appointment process and procedure. In this regard an enquiry was held and it was found that there is no irregularity in their appointment process and process.

Being an Appointing Authority under appointment, promotion and Transfer powers 1989, I hereby order their exoneration from the false charges and aspersionleveled against him. I have temporarily stopped their pay for investigation and inquiry. Now I release their pay. Their pay is released from 01/07/2020 to date.

Under E and Rules 2001, Appointing Authority is competent Authority to appoint, promote, hold inquiry and dispose of pending inquiry against officials. So I have disposed of inquiry against Mr. Fahad Ali Shah Work Munshi and Mr. Mishkat Ali Shah Beldar.

I testify that there is no irregularity in appointment process and procedure of both officials Mr. Fahad Ali Shah Work Munshi and Mr. Mishkat Ali Shah Beldar.

Copy forwarded to:-

1) Superintending Engineer Bannu Irrigation Circle Bannu for information Please.

2) Sub Divisional Officer Tajori for information.

3) Sub Divisional Officer Jani Khel Irrigation Sub Division Bannu for information.

Executive Engineer Marwat Canal Division Bannu

(15 A)

BETTER COPY ANNEXURE "D" OFFICE OF THE EXECUTIVE ENGINEER,

MARWAT CANAL IRRIGATION DIVISION BANNU

Phone & Fax No: 0928-9270063

No.2782/11-4-E/

Dated

Bannu

the 01/8/2028

To,

The District Accounts Officer

Bannu.

Subject:

RELEASE OF PAY IN R/O MR. FAHAD ALI SHAH WORK UNSHI

AND MR. MISHKAT ALI SHAH BELDAR W.E.F 01/07/2020 TO

DATE.

This office has stopped pay of caption officials due to a Fake Complaint against Mr. Fahad Ali Shah Work Munshi and Mr. Mishkat Ali Shah Beldar that there is irregularity in their appointment process and procedure. In this regard an enquiry was held and it was found that there is no irregularity in their appointment process and process.

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I testify there is no irregularity in appointment process and procedure of both officials Mr. Fahad Ali Shah Work Munshi and Mr. Mishkat Ali Shah Beldar.

Executive Engineer

Marwat Canal Division Bannu

Copy forwarded to:

- 1) Superintending Engineer Bannu Irrigation Circle Bannu for information please.
- 2) Sub Divisional Officer Tajori for information
- 3) Sub Divisional Officer Jani Khel Irrigation Sub Division Bannu for information.

TTESTED ADVOCATE

Executive Engineer

Marwat Canal Division Bannu

Anned E

مند مت جناب سیکر ٹری ایری گیشن خیبر پختو نخواہ پیثاور۔ م

عنوان: ریلیز کیے جانے تنخواہ جات بمعہ بقایاجات بوجوہات ذیل ۔

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

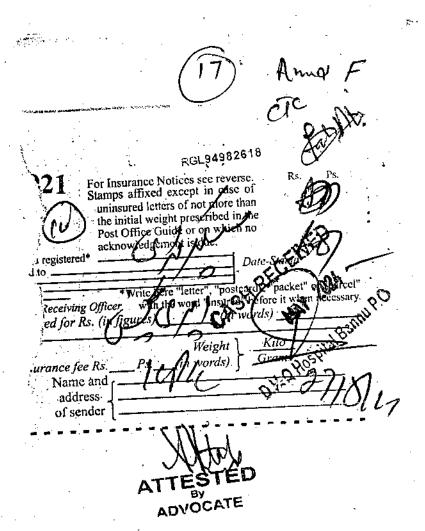
- 1- سید کید سائل محکمہ ایری گلیشن میں ورک منٹی کے پوسٹ پر ڈیوٹی سر انجام دے رہا ہوں۔
- 2- یہ کہ اس سے پہلے بیلد ارپوسٹ پر تعینات ہے اور سائل کی پروموشن 2020/03/20ورک منٹی پر ہوگئی۔اس کے بعد سائل کی پر موشن خلاف قانون قرار دیکر تنخواہ بنگی گئے ہے اور اب تک بندہے۔
- 3- سیر کہ 4سالوں سے بغیر قانونی جواز سے تنخواہ جات سائل بمعہ بقایاجات بند ہے جن کی وجہ سے سائل کی فیلی متاثر ہورہی ہے۔
- میر کہ ارتی ڈیوٹی سرانجام دیتا ہے۔ اور تنخواہ نہیں دیا جارہے ہے جو کہ سول سرونٹ ایکٹ کے خلاف ہے۔
 خلاف ہے۔

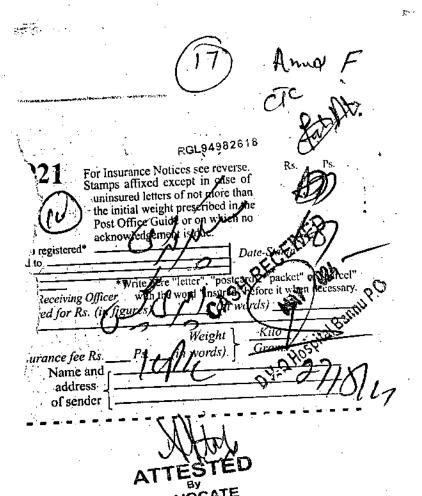
لہذا استدعا ہے کہ سائل کی تنخواہ رینیز کرنے جملہ بقایا ت بھی دیاجاوے۔

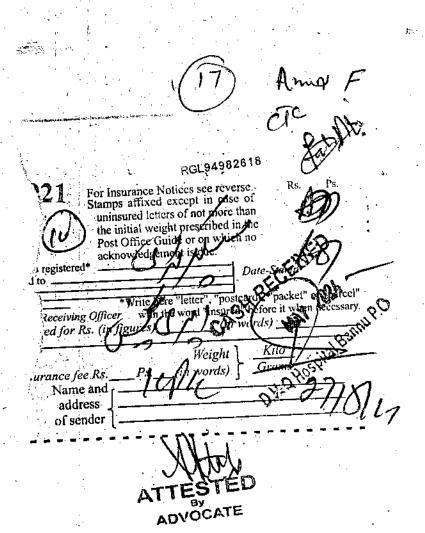
مورخه 27/05/2024

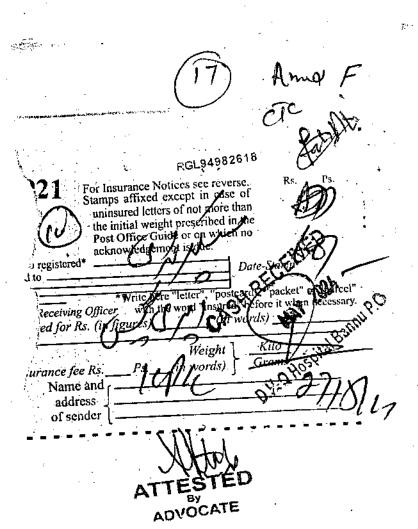
فهد على شاه ورک منشى محکمه ايريگيشن ضلع بنوں ...سانل 03369080536

ATTESTED









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Post Office Guide or on which no
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Receiving Officer with the word 'insurance fee Rs.

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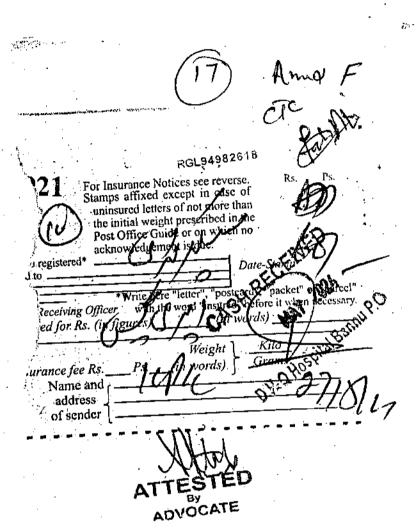
Name and
address
of sender

ADVOCATE

RGL94982618 For Insurance Notices see reverse.
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ADVOCATE



بعدالت ۲۹٪ سردس موا يوم في فين بإء منجانب ايسال يث فريالياه عام مرزيرالي وز مقدم باعض تحريرا نك مقدمهمندرجه بالاعنوان بالامیں اپنی طرف ہے داسطے بیرو**ی و جواب** دہی وکل کارروائی معادان مقام سیاد / نون کے لئے رُفاجِی و فریری + مسودار الی فرار مقرركر كاقراركيا جاتاب كه صاحب موصوف كومقدمه كى كل كارروائى كاكامل اختبار بوكا ئيز دكيل صاحب كورانسي نامه ومقرر ثالث وفيصله يرحلف ويئيجواب دبي اورا قبال دعوي اور بصورت ڈ گری کرانے اجراءاور وسوق جیک روپییا درعرضیٰ دعویٰ اور درخواست ہرتم کی تقىدىق زراس پردستخط كرنے كا ختيار ہوگا - نيز بھورت عدم بيروي يا ڌگري يكظرفه یا بیل کی برآ مدگی اورمنسوخی دائر کرنے اُپیل نگرانی ونظر ٹانی و پیردی کرنے کا ختیار ہوگا اور بصورت ضرورت مقدمه مذکور کے کل ماجزوی کارروائی کے واسطے اور وکیل یا مخار قانونی كواين بمزاه يااين بجائة تقرر كالختيار موگااورصاحب مقرر شده كوبهي وبي جمله ندكوره بالا اختیارات حاصل ہوں گےاوراس کا نساختہ پرداختہ منظور وقبول ہوگا اور دوران مقدمہ میں جوخر چیرہ ہرجاندالتوائے مقدمہ کے سبب سے ہوگا۔اس کے مستحق وکیل صاحب موسوف ہول کے۔ نیز بقایا وخرچہ کی صولی کرنے کا بھی اختیار ہوگا۔اگر کوئی تاریخ بیش مقام دور ویر ہوگا تھا نہ باہر ہوتو وکیل صاحب یا بند ہوں گے کہ پیروی مقدمہ نہ کورکریں ۔لہٰذاو کالت نامہ ککھ دیا کہ سندر ہے۔ كه في المسكول - Link 03339740590 فريم ئ ، أيسلانك Altato 038 9080536 0333 92 22 269